
Subject: Municipal By-law Enforcement Appointments –
Woodland Conservation By-law

Report to: Planning and Economic Development Committee

Report date: Wednesday, February 17, 2021

Recommendations

1. That the following Regional staff **BE APPOINTED** as Municipal By-law Enforcement Officers for the purpose of enforcing Niagara Region By-law No. 79-2020, being the Woodland Conservation By-law:
 - Cara Lampman, Manager, Environmental Planning
 - Daniel Root, Regional Forester
2. That the necessary by-law **BE PREPARED** and **PRESENTED** to Council for consideration.

Key Facts

- On January 31, 2021, the Woodland Conservation By-law (79-2020) came into effect and the responsibility for administration of the Woodland Conservation By-law was transferred from the Niagara Peninsula Conservation Authority (NPCA) back to Niagara Region
- Niagara Region may appoint Municipal By-Law Enforcement Officers pursuant to the *Police Services Act, R.S.O. 1990, c. P.15, subsection 15 (1)* and when appointed are deemed Peace Officers pursuant to *subsection 15 (2)* of the same Act. Those appointees are further designated as Provincial Offences Officers under the *Provincial Offences Act, R.S.O 1990, c. P.33, subsection 1(1)(d)*.
- The appointments will allow staff to ensure compliance with the Woodland Conservation By-law and escalate enforcement options when deemed necessary.

Financial Considerations

The 2021 Operating Budget for the Environmental Planning Division includes funds for staff wages, benefits and business operations.

Analysis

Section 135 of the Municipal Act allows municipalities to prohibit and regulate the destruction or injuring of trees through enacting tree bylaws. Upper-tier municipalities may enact such a bylaw for trees in woodlands as defined in the Forestry Act that are greater than one hectare. Local municipalities may also enact such a bylaw for individual trees and trees within woodlands that are less than one hectare. The Act also provides upper-tier and local municipalities with the option to delegate all or part of their power to pass such by-laws to each other, with agreement.

Niagara Region's Tree and Forest Conservation Bylaw (30-2008) has been in place since 1981. The most recent update to the bylaw occurred in 2020, in order to modernize the document as well as to facilitate the transfer of responsibilities for enforcement of the bylaw back to the Region from the NPCA (see Reports PDS 13-2019 and PDS 16-2020). The bylaw came into effect on January 31, 2021 and the name has been updated to the Woodland Conservation Bylaw (79-2020).

The Environmental Planning Division will be administering the bylaw and have hired Daniel Root as the new Regional Forester.

Enforcement provisions shall only be used when all other methods of regulatory compliance have been exhausted including voluntary compliance, restoration and education

Alternatives Reviewed

N/A

Relationship to Council Strategic Priorities

"Advancing Organizational Excellence" is a strategic priority of Council. The appointments will ensure consistent service delivery and application of the bylaw across the Region.

Other Pertinent Reports

- PDS 13-2019 Initiation of the Woodland Bylaw Review
- PDS 16-2020 Woodland Conservation By-law Review

Prepared by:

Cara Lampman
Manager, Environmental Planning
Planning and Development Services

Recommended by:

Doug Giles, BES, MUP
Acting - Commissioner
Planning and Development Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was reviewed by Pat Busnello, Acting Director, Development Approvals.

Appendices

None